

REMARKS

The Official Action of May 2, 2007, has been carefully reviewed. Favorable reconsideration is respectfully requested.

Acknowledgement by the PTO of the receipt of applicants' papers filed under Section 119 is noted.

The remaining previously present claims have been amended primarily to method of use claims. New claim 17 calls for the agent but in a dosage form in an amount suitable for the intended purpose.

All the claims have been amended from "a lipid regulating agent" to "a method for lowering lipids in a living body", as suggested by the examiner at page 3 of the Office Action.

And the term "saccharide-derivatives (of the cyclic tetrasaccharide)" in claims 1, 2 and 3, has been amended to "glycosylated compound(s) (of the cyclic tetrasaccharide)". Support for the amendment can be found in the specification as filed at, for example, page 5, line 2-25. Further, "polyphenol" in claim 4 has been limited to the "flavonoids" or "catechins" as defined in the amended claim 4. Claims 5-8 and 16 have been cancelled. The following remarks are based on the amended claims.

Claims 1-16 have been rejected under the first paragraph of §112. The rejection is respectfully traversed.

Applicants believe and submit that the claims as amended above are no longer subject to the aforementioned rejection. Withdrawal of such rejection is in order and is respectfully requested.

Claims 1-16 have been rejected under the second paragraph of §112. This rejection is respectfully traversed.

Applicants believe and submit that the amendments presented above clearly obviate the rejection as regards claims 1 and 3.

As regards claims 6 and 7, these have been deleted without prejudice at this time even though applicants do not agree with the rejection.

As regards claim 9, applicants are unable to find the criticized recitation in claim 9.

As regards claim 4, it is believed that the rejection has been obviated.

Withdrawal of the rejection is in order and is respectfully requested.

Claims 1-16 have been provisionally rejected on the basis of non-statutory obviousness-type double patenting over claims 5 and 9-14 of co-pending application 10/565,069.

Claims 1 and 8-16 have been provisionally rejected on the basis of obviousness-type double patenting over claims 1-3 and 8 of co-pending application 10/495,975. These rejections are respectfully traversed.

In view of the amendments made above and in the co-pending applications, applicants believe and submit that these rejections are no longer applicable. Applicants' method claims are directed to a method for lowering lipids in a living human body, and claim 17 to a composition in a dosage form adapted for such use and containing an amount effective of the active ingredient for that purpose, subject matter not shown or made obvious in or from the claims of the co-pending applications.

Withdrawal of the rejections is in order and is respectfully requested.

Claims 1-16 have been rejected under §102 as anticipated by Kubota et al WO 01/90338 (Kubota). Claims 1, 2, 5-7 and 12-16 have been rejected under §102 as anticipated by Cote et al USP 5,786,196 (Cote). These rejections are respectfully traversed.

The claims have been amended to a method for lowering lipids in a living body or agent composition specifically adapted for that purpose. Such subject matter is

Appln. No. 10/551,765
Amd. dated August 2, 2007
Reply to Office Action of May 2, 2007

not disclosed by either reference, and therefore neither reference anticipates applicants' claims.

Withdrawal of the rejections is in order and is respectfully requested.

Applicants believe that all issues raised in the Official Action have been addressed above in a manner that should lead to patentability of the present application. Favorable consideration and early formal allowance are respectfully requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By

A handwritten signature in dark ink, appearing to read "S. Neimark", written over a horizontal line.

Sheridan Neimark

Registration No. 20,520

SN:kg
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\S\SUMA\okul0\pto\2007-08-02PCTAMD.doc